

August 21, 2006

I. Call to Order/Roll Call

Chairman Alex J. Vispoli called the August 21, 2006 Regular Meeting of the Board of Selectmen to order at 6:32 P.M. in the Selectmen's conference room at the Town Offices. The meeting was duly posted. Present at the meeting were: Chairman Vispoli and Selectmen Mary K. Lyman and Ted E. Teichert.

II. Executive Session

A motion was made by Selectman Teichert, seconded by Selectman Lyman, to go into Executive Session to be briefed by Town Counsel on litigation concerning 3 Hazelwood Circle and to return to Open Session. Vote: Vispoli – yes, Lyman – yes and Teichert – yes. Present in the Executive Session were: Chairman Vispoli and Selectmen Lyman and Teichert. Also present were: Town Manager Reginald S. Stapczynski and Town Counsel Thomas J. Urbelis. Selectmen John P. Hess and Brian P. Major arrived during the meeting.

On a motion duly made and seconded, it was voted to adjourn the Executive Session and return to Open Session. The vote was unanimous. The Executive Session adjourned at 7:00 P.M.

III. Opening Ceremonies

Chairman Vispoli opened the meeting at 7:05 P.M., which was cablecast live, and asked the Selectmen and members of the audience to join in a Moment of Silence followed by the Pledge of Allegiance. Selectman Teichert asked those in attendance to remember Kenneth Thompson, a former local business owner and past President of the Center Business Association, who passed away recently.

IV. Communications/Announcements/Liaison Reports

Town Manager Reginald S. Stapczynski

- Thanked the Town's Community Services and Youth Services employees for their successful Summer programs and noted that the last DCS concert would be held in The Park on Wednesday, August 23rd from 6:00 P.M. to 8:00 P.M.
- Noted that residents in Sewer Project Contract #4 area can now tie-in to the new sewer and reported that Baltazar is 99% finished with the associated paving.
- Reported that Andover has received the "Outstanding Community Service Award" from the United Way of the Merrimack Valley for its long-standing support of and participation in its programs.
- The Town has received an additional \$374,000 in Chapter 90 monies from the Commonwealth in addition to the \$813,000 original appropriation.
- Announced that CIP requests are due from Department/Division Heads and the general public by the beginning of September. Notice of the deadline has been in the local newspaper and those with questions should contact the Finance Office.
- The Town has submitted its FEMA application for flood relief in the amount of \$387,961.
- Youth Services Director Bill Fahey and several youth have returned from their trip to New Orleans where they assisted in re-building efforts. He noted that he will invite to a September Selectmen's meeting to provide a report on their trip.

Selectman Lyman

- Thanked Community Services and Youth Services for the great programs they offer to kids during the Summer.

IV. Communications/Announcements/Liaison Reports (Cont.)

Selectman Major

- The next Youth Center Subcommittee meeting will be held on Thursday, August 31st at 6:30 P.M. in the second floor conference room at the Town Offices.
- Reminded members to e-mail their Town Manager evaluation forms to him so that he could provide them with a draft the beginning of September.

Selectman Hess

- Is arranging a subcommittee meeting with David O'Brien and Melmark officials and will provide the Board with an update following the meeting.

V. Approval of Consent Agenda Items

A. Appointments and Re-appointments

A motion was made by Selectman Lyman, seconded by Selectman Major, to approve the following Memorial Hall Library and Community Services appointments:

<u>DEPARTMENT</u>	<u>POSITION</u>	<u>RATE</u>	<u>EFF. DATE</u>
<u>MEMORIAL HALL LIBRARY</u>			
Shawn Noonan	Library Page – PT (v. M. Hudkins)	\$7.25/hr.	8/22/06
Adam Kroll	Library Page – PT (v. D. Schmidt)	\$7.25/hr.	8/21/06
Nathan Casto	Library Page – PT (v. M. Li)	\$7.25/hr.	9/6/06
Tessa Landau-Viano	Library Page – PT (v. A. VonSchalkwijk)	\$7.25/hr.	8/10/06
Hannah Gravius	Library Page – PT (v. D. Chapman)	\$7.25/hr.	8/22/06
Rosalie Ren	Hourly Cataloger – Chinese Materials – Temp.	\$20/hr.	8/22/06

COMMUNITY SERVICES

Molly J. Desmond	Costume Assistant – PT	***	7/11/06
Jocelyn R. Gully	Instructor – PT	***	7/24/06
*** Varies with course/program			

The vote was 5 – 0.

A motion was made by Selectman Lyman, seconded by Selectman Hess, to approve the following Town Clerk appointment:

TOWN CLERK

Dorothy S. Morrissey	Pollworker – PT	\$7.00/hr.	8/9/06
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The vote was 5 – 0.

A motion was made by Selectman Lyman, seconded by Selectman Teichert, to approve the following appointment to the Preservation Commission:

Leslie Frost (v. A. Constantine) – Term expires 6/30/08

The vote was 5 – 0.

V. Approval of Consent Agenda Items (Cont.)

B. Andover Days 2006

A motion was made by Selectman Major to approve the request of Don Robb, Coordinator of Andover Days 2006, to hold their event in the downtown business district on Saturday, September 16, 2006 from 9:00 A.M. to 3:00 P.M. He is requesting the closure of the following streets: Main Street from Elm Square to Chestnut Street, Park Street from Main Street to the end of the Town House and Barnard Street from Main Street to the end of the Town House. He is also requesting consideration in waiving parking fees in the downtown business district on that date. It was noted that arrangements for the request have been reviewed by the Police Department. The Department does not recommend closing Main Street as it sets a precedence to allow private groups to close a major public way nor do they recommend establishing a practice to waive parking fees as it also sets a precedence for other groups conducting events in the downtown business district.

Don Robb, Andover Days Coordinator, appeared before the Board to review his request. He reported that the original event scheduled in June had been rained out and the new date had been chosen to coincide with Art-in-the-Park to make it a community event. He outlined the new events being offered, the support they had received from the downtown businesses to close Main Street and requested the Board's consideration in waiving parking fees as a goodwill gesture.

The closing of Main Street and loss of revenue generated from parking was discussed. Police Chief Brian Pattullo called in to the meeting and reported the loss of parking revenue would be approximately \$1,000. James Cuticchia of the Fire Department indicated that closing Main Street would not be a problem for the Department in responding to calls.

Selectman Teichert said the event brings a new excitement to the downtown and offered his support. Resident Mary Carbone said she agreed with the Police Department and feels it is a problem to shut down Main Street as it is a major thoroughfare through the Town and shouldn't be done for a private organization.

Selectman Lyman offered a second to the motion with a friendly amendment to approve the request to close Main Street from 9:00 A.M. to 3:00 P.M. as requested on Saturday, September 16, 2006 for Andover Days and not to waive the parking fees. Selectman Major agreed to the amendment and the Board voted 5 – 0 to approve the motion.

C. Block Parties

1. A motion was made by Selectman Teichert, seconded by Selectman Hess, to approve the request of Sarita Broccoli, 5 Shipman Road, to block off her street on Monday, September 4, 2006 from 2:00 P.M. to 5:00 P.M. for the third annual "Johnson Acres" block party. The vote was 5 – 0.

2. A motion was made by Selectman Hess, seconded by Selectman Major, to approve the request of Chris Huntress, 17 Tewksbury Street, to use the Ballardvale Playground for the 5th Annual Ballardvale Block Party on Saturday, September 9, 2006 from Noon to 5:00 P.M. The vote was 4 – 1 (Teichert abstained).

3. A motion was made by Selectman Major, seconded by Selectman Hess, to approve the request of Lisa Finneran, 5 Sutherland Street, to block off her street on Saturday, September 9, 2006 (rain date – Sunday, September 10, 2006) from 3:00 P.M. to 9:00 P.M. for a neighborhood block party. The vote was 5 – 0.

V. Approval of Consent Agenda Items (Cont.)

C. Block Parties

4. A motion was made by Selectman Lyman, seconded by Selectman Hess, to approve the request of Colleen Wolfgang, 15 Enmore Street, to block her street from #15 to #42 on Saturday, September 16, 2006 (rain date – Sunday, September 17, 2006) from 11:00 A.M. to 6:00 P.M. for a neighborhood block party. The was 4 – 1 (Teichert abstained).

It was noted that arrangements for all four block parties have been reviewed and approved with conditions by the Police Department.

VI. Citizens Petitions and Presentations

Rick Pruneau, owner of Park Street Pub, appeared before the Board regarding a change in parking approved by the Planning Board for 32 Park Street which is located next to his business. He provided the Board with a history of the property and the mutual agreement for use of parking by all of the businesses in the area. He said the new owner of the property has been given approval by the Planning Board to place a fence around the lot which will eliminate the mutual use in off hours. He noted that all of the business owners were against the change, asked the Board to review his request and have the Planning Board re-open their discussion concerning their vote.

David Ku, owner of Peking Garden adjacent to 32 Park Street, also appeared before the Board to voice his concern regarding the parking changes. He addressed the placement of the owner's dumpster as a result of the changes and provided background on an easement that the previous property owner had with the Free Christian Church for access.

Town Counsel Thomas Urbelis informed the Board that they had no jurisdiction over the Planning Board's vote and nothing could be done at this time regarding the change. Attorney Mark Johnson was in attendance at the meeting and noted that he represented the owner when he went before the Planning Board and reported that an appeal by an abutter had been dismissed three or four months ago.

Planning Director Paul Materazzo informed the Board the project had been handled by the previous Planning Director Stephen Colyer. He offered to look into the matter and provide the Board with its history at a subsequent meeting. Chairman Vispoli suggested that Mr. Pruneau contact the Planning Division the next day to see if he could be placed on the Planning Board's upcoming meeting agenda to address the issue with them.

VII. Other Business of the Board

A. New Business

1. Andover Housing Authority Board Vacancy

James Cuticchia, Chairman of the Andover Housing Authority Board, and Board members Frank O'Connor, Daniel Grams and Calvin Deyermund along with Housing Authority Director Christine Metzemaekers appeared before the Board to discuss their Board's vacancy and the process to be used in filling the vacancy for the balance of the term until the March Town Election as outlined in Massachusetts General Laws Chapter 121B, Section 5 and Chapter 41, Section 11.

VII. Other Business of the Board (Cont.)

A. New Business (Cont.)

1. Andover Housing Authority Board Vacancy (Cont.)

Following some discussion, it was agreed that a notice would be posted on the Town's webpage, cable tv and in the *Townsmen* and *Tribune* notifying residents of the vacancy and that those interested should apply in writing to the Town Manager's Office by Friday, September 15th. Mary Lyman volunteered to be the Selectmen's liaison in screening the letters of interest with Housing Authority liaison Frank O'Connor. Information on each candidate will then be provided to both Boards for their review. Those candidates will be invited to appear at the September 25th Board of Selectmen's meeting or another designated evening meeting when one of the candidates will be elected to fill the vacancy. It was noted that the selection of the new Housing Authority Board member will require five votes from the combined nine members of the Board of Selectmen and Housing Authority.

2. Local Initiative Program application for Powder Mill Square

Senior Planner Lisa Schwarz appeared before the Board to review the Local Initiative Program (LIP) Regulatory Agreement and Declaration of Restrictive Covenants for the Ownership Project at Powder Mill Square, located at the intersection of North Main Street and Stevens Street. She informed the Board that the application provides the Department of Housing and Community Development with evidence that the Town and Powder Mill Square, LLC created nine affordable housing units using a local zoning bylaw (Special Permit for Multifamily Housing in the Mixed Use District) and not a Comprehensive Permit under Chapter 40B. She said each affordable unit will be affordable in perpetuity in accordance with the Deed Rider. Town Counsel Thomas Urbelis noted that he was happy with the Agreement's modifications and approved the document.

A motion was made by Selectman Hess, seconded by Selectman Major, to endorse the LIP Application for Powder Mill Square including the Regulatory Agreement, Declaration of Restrictive Covenants and Deed Rider associated with the project. The vote was 5 – 0.

3. Declaration of Trust for the Andover Housing Trust Fund Board of Trustees

Senior Planner Lisa Schwarz appeared before the Board to review the Declaration of Trust for the Andover Housing Trust Fund Board of Trustees. She noted that the document solidifies the duties and responsibilities of the Trust as voted at the September 2006 Special Town Meeting. She said the purpose of the document is for the Trustees and Selectmen to acknowledge and agree to the terms set forth in the Declaration of Trust and to attest that it is for the benefit of all Andover inhabitants consistent with the terms and conditions outlined in the Trust.

A motion was made by Selectman Teichert, seconded by Selectman Lyman, to endorse the Declaration of Trust for the Andover Housing Trust Fund. The vote was 5 – 0.

4. Historic Preservation Restrictions for 352 South Main St. and 11 Clark Road

Attorney Mark B. Johnson appeared before the Board on behalf of his client, Michael Ristuccia, to request that they endorse the Historic Preservation Restrictions for 352 South Main Street and 11 Clark Road. He said he had worked with Andover Preservation Commission Chair Karen Herman and the Massachusetts Historical Commission in drafting the documents and they are acceptable to both parties. Once signed by the Chairman of the Board of Selectmen, the documents will be forwarded to MHC for their signature and then filed with the Registry of Deeds.

VII. Other Business of the Board (Cont.)

A. New Business (Cont.)

4. Historic Preservation Restrictions for 352 South Main St. and 11 Clark Road

A motion was made by Selectman Hess, seconded by Selectman Major, to endorse the Historic Preservation Restriction for 352 South Main Street and that the Chairman sign the document on behalf of the Board. The vote was 5 – 0.

A motion was made by Selectman Hess, seconded by Selectman Major, to endorse the Historic Preservation Restriction for 11 Clark Road and that the Chairman sign the document on behalf of the Board. The vote was 5 – 0.

5. Update from I-93 Lowell Junction Interchange Task Force on the Project

Lowell Junction Interchange Task Force Chairman Chris Huntress and Planning Director Paul Materazzo appeared before the Board to provide an overview of the interchange project and what the next steps will be. They reviewed the tri-town meeting held recently in Tewksbury and indicated it was a positive meeting to start the project's assessment process. Mr. Huntress said the meeting provided an opportunity for the Town to represent their local neighborhoods and downtown as they will be affected and need to be protected as the result of the sprawl created by a mall. The need to be flexible with the design due to approvals required from the Federal Highway was discussed. Mr. Huntress stressed the importance of the three towns having the same design standards and said an RFP is being developed to assist them in having a unified development plan. When completed, the draft RFP will be distributed to the three towns and then discussed at the next tri-town meeting to be held in Andover on October 12th. Mr. Huntress and Mr. Materazzo also noted that this may be the appropriate time for the Town to update its Master Plan as part of the project.

The Board engaged in a discussion regarding the project and its timeframe, the different alternative plans and the importance of keeping the Town's Task Force involved in the process.

Resident Mary Carbone, Cyr Circle, addressed the Board and said she felt the tri-town

meetings should be held in the evening instead of the morning when it is more convenient for residents to attend. The Selectmen informed her that the meetings are held in the morning because it is more convenient for the parties directly involved in the process.

6. Management Audit – Gr. Lawrence Reg. Vocational Technical H. S. District

Chairman Vispoli and Selectman Major gave the Board an update on the August 14, 2006 meeting hosted by the Methuen City Council to discuss a Management Audit of the Greater Lawrence Regional Vocational Technical High School District. Representatives from Lawrence, Methuen and Andover were in attendance. They indicated that the meeting's agenda focused on travel expenses incurred by District Committee members at an April out-of-state conference and reimbursements paid to those members from the School District particularly Andover's representative who was not re-elected in the Town's March Election. Chairman Vispoli indicated that the need for a management audit of the District was discussed. Methuen will look into what type of audit the State requires and will then make a formal request from each of the District's four towns to approval to proceed. Also discussed was the need for a more detailed review of their Budget each year by the four District towns along with an approved travel policy. They said it was a positive meeting and the four communities agreed to work together from this time forward.

VIII. Approval of Minutes from Previous Meetings

A motion was made by Selectman Lyman, seconded by Selectman Teichert, approve the minutes of the August 7, 2006 Regular Meeting. The vote was 5 – 0.

IX. Sewer Commissioners

A motion was made by Selectman Lyman, seconded by Selectman Hess, to adjourn from the Regular Meeting to act as Sewer Commissioners. The vote was 5 – 0. Roll call was taken. Present were: Chairman Vispoli and Selectmen Lyman, Hess, Major and Teichert.

A motion was made by Selectman Lyman, seconded by Selectman Hess, to approve the following requests for connection to the new sanitary sewer system:

19 Carter Lane – TM 100, TL 10	142 Hidden Road – TM 79, TL 26
151 Hidden Road – TM 79, TL 4	14 Lavender Hill Lane – TM 82, TL 28
17 Orchard Crossing – TM 80, TL 37	12 Rocky Hill Road – TM 63, TL 6
4 Sandy Brook Circle – TM 61, TL 26	6 Sandy Brook Circle – TM 61, TL 27
5 Snowberry Road – TM 101, TL 19	442 South Main Street – TM 63, TL 52
447 South Main Street – TM 83, TL 1-E	497 South Main Street – TM 102, TL 1
70 Spring Grove Road – TM 77, TL 31	105 Sunset Rock Road – TM 81, TL 47
46 Wildwood Road – TM 44, TL 3	50 Wildwood Road – TM 44, TL 4
52 Wildwood Road – TM 44, TL 5	

The vote was 5 – 0.

A motion was made by Selectman Hess, seconded by Selectman Major, to approve the following requests for connection to the existing sewer system:

9 Clark Road – TM 137, TL 16-A (Pending Engineering Approval)	
34 Karlton Circle – TM 57, TL 34	14 Lincoln Street – TM 89, TL 36-C
18 Lincoln Street – TM 89, TL 36	274 Lowell Street – TM 134, TL 1
9 Prides Circle – TM 76, TL 45	4 Shandel Circle – TM 81, TL 10-B
8 Shandel Circle – TM 81, TL 10-D	34 Sunset Rock Road – TM 79, TL 11-A
5 Swan Lane – TM 87, TL 91 (Building #5)	9 Swan Lane – TM 87, TL 91 (Building #8)
13 Swan Lane – TM 87, TL 91 (Building #9)	20 Swan Lane – TM 87, TL 91 (Building #6)
4 Trevino Circle – TM 87, TL 27	

The vote was 5 – 0.

A motion was made by Selectman Lyman, seconded by Selectman Major, to adjourn as Sewer Commissioners and return to the Regular Meeting. The vote was 5 – 0.

Roll call was taken. Present were: Chairman Vispoli and Selectmen Lyman, Hess, Major and Teichert.

X. Adjournment

A motion was made by Selectman Major, seconded by Selectman Hess, to adjourn the meeting. The vote was 5 – 0. The meeting adjourned at 9:05 P.M.

Respectfully submitted,

Sandra A. Cassano
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Recording Secretary